

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
<b>CASE NUMBER</b>	10 C 4209	<b>DATE</b>	3/12/2013
<b>CASE TITLE</b>	Derrick O Lowery (R-24019) vs. Tomas Dart, et al.		

## DOCKET ENTRY TEXT

For the reasons stated below, Plaintiff's motion to reconsider [17] is denied.

■ [ For further details see text below.]

Docketing to mail notices.

## STATEMENT

This matter is before the court on Plaintiff Derrick O. Lowery's (Lowery) motion to reconsider. On November 1, 2010, the court gave Lowery until November 23, 2010 to pay the filing fee in the instant action. The court also warned Lowery that if he failed to pay the filing fee by November 23, 2010, this action would be dismissed. The deadline passed and Lowery had not paid the filing fee, and on December 7, 2010, the court dismissed the instant action. On November 26, 2012, nearly two years later, Lowery filed a motion to reconsider and motion to reinstate. Even though Lowery failed to properly notice up the motions before this court, since Lowery is proceeding *pro se*, the court accepted the motions as being properly filed.

Lowery claimed in the motions that he was transferred "on and off" from certain places of incarceration in 2010, and that he did not receive some of this court's orders in this case. Lowery requested that the court reconsider the dismissal of the instant action and reinstate the instant action. Lowery failed to offer sufficient justification for failing to file the instant motion until almost two years after the dismissal of this case, and the court therefore denied the motion to reconsider and motion to reinstate.

On February 19, 2013, Lowery filed the instant motion, continuing to request that the court reinstate the instant action. Lowery has still failed to offer sufficient justification for failing to seek reinstatement until

<b>STATEMENT</b>
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<p>almost two years after the dismissal of this case. Lowery has not shown that the court erred in dismissing the instant action, and Lowery has not shown that the court erred by not reinstating the instant action. Therefore, the instant motion to reconsider is denied.</p>
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